

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CAPRI SUN GMBH,

Plaintiff,

-v-

AMERICAN BEVERAGE CORPORATION,

Defendant.

19 Civ. 1422 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:


The Court has received Capri Sun's motion, under 28 U.S.C. § 1292(b), for certification of an interlocutory appeal of the question:

Does the plain language of § 8.4 of the [licensing agreement at issue in this case] prohibit Capri Sun from recovering ABC's direct profits on Capri Sun's claims arising under the Lanham Act for trademark infringement, unfair competition, and false association?

Dkt. 219 at 1.

The Court directs American Beverage Corporation, by July 14, 2022, to file a brief in opposition or to notify the Court that it does not oppose Capri Sun's motion, and Capri Sun to file its reply brief by July 21, 2022, if American Beverage Corporation has opposed the motion.

SO ORDERED.


PAUL A. ENGELMAYER
United States District Judge

Dated: July 1, 2022
New York, New York